

106TH CONGRESS
2D SESSION

H. R. 3582

IN THE SENATE OF THE UNITED STATES

MAY 3, 2000

Received; read twice and referred to the Committee on Governmental Affairs

AN ACT

To restrict the use of mandatory minimum personnel experience and educational requirements in the procurement of information technology goods or services unless sufficiently justified.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Contractor
3 Flexibility Act of 2000”.

4 **SEC. 2. APPROPRIATE USE OF PERSONNEL EXPERIENCE**
5 **AND EDUCATIONAL REQUIREMENTS IN THE**
6 **PROCUREMENT OF INFORMATION TECH-**
7 **NOLOGY GOODS AND SERVICES.**

8 (a) AMENDMENT OF THE FEDERAL ACQUISITION
9 REGULATION.—Not later than 180 days after the date of
10 the enactment of this Act, the Federal Acquisition Regula-
11 tion issued in accordance with sections 6 and 25 of the
12 Office of Federal Procurement Policy Act (41 U.S.C. 405
13 and 421) shall be amended to address the use of personnel
14 experience and educational requirements in the procure-
15 ment of information technology goods and services.

16 (b) CONTENT OF AMENDMENT.—The amendment
17 issued pursuant to subsection (a) shall, at a minimum,
18 provide that solicitations for the procurement of informa-
19 tion technology goods or services shall not set forth any
20 minimum experience or educational requirement for pro-
21 posed contractor personnel in order for a bidder to be eli-
22 gible for award of a contract unless the contracting officer
23 first—

24 (1) determines that the needs of the agency
25 cannot be met without any such requirement; and

1 (2) explains in writing the basis for that deter-
2 mination.

3 (c) GAO REPORT.—Not later than 1 year after the
4 date on which the regulations required by subsection (a)
5 are published in the Federal Register, the Comptroller
6 General shall submit to Congress an evaluation of—

7 (1) executive agency compliance with the regu-
8 lations; and

9 (2) conformance of the regulations with existing
10 law, together with any recommendations that the
11 Comptroller General considers appropriate.

12 (d) DEFINITIONS.—As used in this Act:

13 (1) EXECUTIVE AGENCY.—The term “executive
14 agency” has the meaning given that term in section
15 105 of title 5, United States Code.

16 (2) INFORMATION TECHNOLOGY.—The term
17 “information technology” has the meaning given
18 that term in the Federal Acquisition Regulation.

Passed the House of Representatives May 2, 2000.

Attest:

JEFF TRANDAHL,

Clerk.